

Attorney Docket No. 000337

Application No. 09/761,341

REMARKS/ARGUMENTSSTATUS

A Final Office Action was issued March 16, 2005.

Claims 1-9, 11-20, 22-30, and 32 are pending.

Continued examination is requested.

Claims 1, 12, 23-30, and 32 are currently amended.

AMENDMENT TO CLAIMS 24-30 AND 32

Claims 24-30, and 32 were amended simply to clarify typographical errors in that they depend from an independent method claim, not an apparatus claim.

CLAIM REJECTIONS UNDER 35 USC §102(e)

Claims 1-6, 8-17, 19-27, and 29-32 were rejected under 35 USC §102(e) as anticipated by U.S. Patent No. 6,480,472 to Jou et al. ("Jou"). Applicant traverses the rejections, particularly in light of the amendments and following remarks.

Independent claims 1, 12, and 23 are amended to include that reclassifying improperly classified erasure frames to be DTX frames inhibits a mobile receiver from requesting retransmission of the frames or a change in transmit power level. See, e.g., Applicants' Published Application, ¶¶ 0011 and 0060. The transmission of DTX frames impedes operation at optimal power levels. See, Applicants' Published Application, ¶ 0006.

As stated by the Examiner, Jou *shuts down* the mobile transmitter if one or more of the counters implemented by Jou in response to received data frames reaches a certain threshold value. "If the received frame is an empty frame, CNT1 and CNT2 are unchanged, but CNT3 is incremented by one. If CNT3 reaches a fourth threshold value, TH4, the mobile station disables its transmitter." Jou, col. 3, lines 24-27. "A transmitter coupled to the mobile station is enabled or disabled depending upon which, if any, of the COUNTs reaches or exceeds a designated threshold value." Jou, Abstract, lines 11-14.

As independent claims 1, 12, and 23 are distinguished over Jou, dependent claims 2-6, 8-9, 11, 13-17, 19-20, 22, 24-27, 29-30, and 32 are similarly distinguished. Reconsideration and withdrawal of the rejection is requested.

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CLAIM REJECTIONS UNDER 35 USC §103

Claims 7, 18, and 28 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,480,472 to Jou et al. ("Jou") in view of U.S. Patent No. 6,335,990 to Chen et al. ("Chen"). Applicant traverses the rejections, particularly in light of the amendments and following remarks.

Applicants maintain that Chen describes a filter used for improving *video* data and provides no teaching or suggestion relevant to the present patent application. Chen does not teach or suggest any type of a system for detecting discontinuously transmitted (DTX) frames; a communications system; or a method for detecting discontinuous transmission (DTX) frames, and is nonanalogous art. Nothing can be found in either Chen, Jou, or the combination of the two that teaches or suggests the subject matter claimed by Applicants. Claims 1, 12, and 23 are clearly distinguished over Jou and Chen. As claims 7, 18, and 28 depend respectively from independent claims 1, 12, and 23, they are similarly distinguished. Reconsideration and withdrawal of the rejection is requested.

No new matter has been added to the Application because of any action taken in this response. For at least the above-discussed reasons, applicant respectfully requests continued examination followed by a timely Notice of Allowance in this case.

Respectfully submitted,



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Under 37 CFR §1.34(a)

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